

**FIFTY-SECOND DAY**

(Tuesday, April 21, 1953)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Moffett
Ashley	Moore
Bell	Parkhouse
Bracewell	Phillips
Colson	Rogers
Corbin	of Childress
Fuller	Rogers of Travis
Hardeman	Russell
Hazlewood	Rutherford
Kazen	Sadler
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
McDonald	Willis

A quorum was announced present.

The Invocation was offered by the Reverend W. H. Townsend, Chaplain, as follows:

O God, Our Father, on this Memorial Day, we would let the voice of history speak to us, and rejoice in thy goodness to us as we behold the fulfillment of the prophet when he said, "Streams shall break out in the solitary places, and the desert shall be made to blossom as the rose." Keep us humble and make us worthy of thy blessings. For Christ's sake. Amen.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**Message From the House**

Hall of the House of Representatives,  
Austin, Texas,  
April 20, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to House Bill No. 157 by vote of 123 yeas, 4 nays.

Respectfully submitted,

CLARENCE JONES,  
Chief Clerk, House of Representatives.

**San Jacinto Day Address by Senator Searcy Bracewell**

On motion of Senator Moffett, and by unanimous consent of the Senate, Senator Bracewell was invited to give a San Jacinto Day address on the One Hundred Seventeenth Anniversary of April 21, 1836.

Senator Bracewell addressed the Senate as follows:

Mr. President and Members of the Senate, I appreciate very much the honor you bestow in asking me to say a few words today on this very historic occasion. I am mindful of the fact that this Senate has pending many important matters and I certainly shall not transgress upon the time of this distinguished body. I do think, however, that it is important that we pause for a few moments, amidst the complications of this 20th century, to pay tribute to the people who have given so much through the years that we might enjoy this measure of freedom in the year of 1953.

I wish that I were endowed with the eloquence of the distinguished Senator from Tom Green, Senator Dorsey Hardeman, to talk to you concerning the Battle of San Jacinto. Senator Hardeman, in making his wonderful address to this body in regard to the signing of the Declaration of Independence on March 2nd, related so eloquently the tribulations experienced in the early history of the young Republic of Texas.

In thinking back 117 years ago to the Battle of San Jacinto, we must, of necessity, revolve our thoughts around one great man, General Sam Houston. He attended the Constitutional Convention at Washington on the Brazos, and, incidentally, celebrated his birthday on March 2nd by affixing his signature to that great document, the Declaration of Texas Independence.

As Senator Hardeman told you in his address, a few days after the drafting of the Declaration of Independence those delegates remained in assembly at Washington on the Brazos drafting another sacred document, the Constitution of this Republic. A messenger reached them on the day of March 6th with the news from Colonel Travis at the Alamo—a messenger who brought Travis' last message from that ill-fated shrine—his

appeal for help and his statement that those at the Alamo would never surrender nor retreat. When the messenger arrived at Washington on the Brazos, unknown to the delegation who were assembled there, the hand that had written such message, lay cold in death, because on that very day those brave defenders of the Alamo had locked in mortal conflict with the Mexican Army and had given the full measure of devotion that Texas might be free.

General Sam Houston had been previously appointed as Commander-in-Chief of the military forces of the Republic of Texas, and he immediately set upon his duties to gather together, as best he could, the men of this new land called "Texas" to defeat the onslaught of tyrannical dictatorship.

Although his strategy was debated by the Army and the people of Texas, Houston determined, in his wisdom, to retreat before the Mexican forces which were approaching from San Antonio. He fell back from Gonzales to the banks of the Colorado, and then eventually to the Brazos. On that retreat Houston received news from Goliad that Colonel Fannin and his military force had been annihilated at the Battle of Goliad and the subsequent surrender, wherein the terms of the Treaty with General Urrea had been violated.

This, coupled with the news of the death of Colonel Travis, Colonel Bowie, David Crockett and the other brave souls at the Alamo, certainly was most disheartening to the people of Texas.

General Santa Anna, the self-styled Napoleon of the West, determined that this was the time to culminate the expedition on the part of the Mexican forces, and therefore he set out not only to defeat Houston with the remnants of the Texas Army, but also to capture President Burnet and his cabinet who were then in Harrisburg.

Before the advance of the Mexican Army under the command of Santa Anna, President Burnet and his staff fled to Galveston Isle. It so happened (and I think very fortunately) that the two armies—those soldiers under General Houston, which at that time had increased in number to something over 700, and the Mexican Army under General Santa Anna whose forces numbered more than twice that many—met face to face on the banks of the San Jacinto River on April

20th. It was fortunate, I think, in the fact that it afforded an opportunity to General Houston, if he and his forces should be successful in that impending battle, to gain a victory which might be of distinct significance in the War for Texas Independence.

What the Texas forces lacked in manpower on that occasion, certainly they made up in determination, in spirit, and in a burning desire to insure that the freedoms which they had been guaranteed under the Mexican Constitution might be afforded to them and their families.

General Houston had undergone a great deal of criticism, not only from the people, but from the officers of the Texas government, for his refusal to engage the Mexican forces in battle prior to that time; and, I think, only by the recognition of his great ability and his strength of character was he able to keep together the Texas forces and thereby take advantage of the opportunity at San Jacinto.

The unknown poet must have been thinking of the radiant strength of Sam Houston when he wrote:

I want to walk by the side of the man  
Who has suffered and seen and knows;  
Who has measured his pace on the  
battle line

And given and taken the blows.

Who has never whined when the  
scheme went wrong,

Nor scoffed at the failing plan;  
But taken his dose with a heart of  
trust

And the faith of a gentleman.

Who has parried and struck and  
sought and given,

And, though scarred with a thousand  
spears,

Can lift his head to the stars of  
heaven

And isn't ashamed of his tears.

I want to walk by the side of the man  
Who has been through it all and seen,  
Who has walked with the night of  
unseen dread—

Yet, stuck to the world machine.

Who has bared his breast to the winds  
of dawn,

And thirsted, and starved, and felt

The sting and the bite of the bitter  
blasts

That the mouths of the foul have  
dealt.

Who was tempted and fell; but rose  
again

And gone on trusty and true,  
With God supreme in his manly heart  
And his courage burning anew.

I'd give my all, be it little or great,  
To walk by his side today—  
To stand up there with the man who  
has known  
The bite of the burning fray.

Who has clinched his fists and gritted  
his teeth

And gone on doing his best,  
Because of the love for his fellow man  
And the faith in his manly breast.

I'd love to walk with him, hand in  
hand,

Together journey along—

For the man who has fought and  
struggled and won

Is the man who can make men strong.

I think the strength of General Houston, individually, must certainly have permeated the very being of those 783 men who constituted the Texas Army.

There were several skirmishes on April 20th, but Fate had decreed that it was to be on April 21st when that great battle was to take place. Taking advantage of every military opportunity, General Houston decided at 3:00 o'clock on the afternoon of April 21st that it was time for the Texas forces to strike. He asked the various commanders to parade their respective commands, and he informed his commanders that the bridge across Vince Bayou some eight miles to the rear had been destroyed, and thus the last avenue of escape, for the men at San Jacinto, had been cut off. Houston exhibited a keen insight into the frailties of mankind when he informed them that there was no hope of escape—that the destiny of Texas and the future of their families depended upon how they acquitted themselves during the impending battle. The great weakness of men in all generations has been the inherent desire to escape responsibility, and he knew that if the Texas forces were advised of the fact that there was no hope of escape, then and only then could they exhibit the full measure of their ability and patriotism.

The Battle of San Jacinto was very short in point of time, lasting only some eighteen minutes. The Texas forces advanced upon the Mexican encampment which was approximately three-quarters of a mile from where the Texas forces were encamped. Col-

onel Sherman was in command of the infantry on the left, Colonel Burleson with his infantry regiment was in the center, and Colonel Mirabeau B. Lamar was in command of the cavalry on the right. As all of you know, and as has been so wonderfully portrayed by the artist in the great portrait which adorns the walls of this Senate, it was a ferocious and impassioned conflict.

Amid the cries of "Remember the Alamo" and "Remember Goliad," those two phrases which have echoed until this day down the corridors of time, the men of San Jacinto gained the tremendous victory which was to become one of the sixteen most decisive battles in the history of the world, and insured that the Lone Star of Texas should take its rightful place in the canopy of Heaven.

It is wonderful that in this complicated civilization, we as Texans can look back over the glorious past and cherish the great sacrifice of our forefathers in 1836. I think today we should give humble thanks, not only to those brave men of San Jacinto, but more especially to the Supreme Architect of the Universe, who guides the destiny of nations, that He saw fit on that occasion to give to us the great victory that has meant so much to our great State.

Let us resolve, Mr. President and Members of the Senate, that the Battle of San Jacinto will be a challenge to us in 1953; that we will so conduct our affairs in the legislative halls of this State, to the end that the Lone Star of Texas shall ever shine bright over this great nation. Thank you.

At the conclusion of the address, on motion of Senator Kelley, and by unanimous consent of the Senate, the address by Senator Bracewell was ordered printed in the Journal.

#### Reports of Standing Committees

Senator Lane submitted the following reports:

Austin, Texas,  
April 21, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 250, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,  
April 21, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 304, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass as amended.

LANE, Chairman.

Austin, Texas,  
April 21, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 160, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

LANE, Chairman.

Austin, Texas,  
April 21, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 311, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,  
April 21, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. C. R. No. 46, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,  
April 21, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 288, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass but that the Committee

Substitute, adopted in lieu thereof, do pass and be printed.

LANE, Chairman.

C. S. S. B. No. 288 was read first time.

Austin, Texas,  
April 21, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 314, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

LANE, Chairman.

Austin, Texas,  
April 21, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 390, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,  
April 21, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 391, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,  
April 21, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. C. R. No. 40, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,  
April 21, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on

Civil Jurisprudence, to whom was referred S. B. No. 229, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Senator Weinert submitted the following reports:

Austin, Texas,  
April 21, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 70, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, with attached committee amendments, and be printed.

WEINERT, Chairman.

Austin, Texas,  
April 21, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 433, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,  
April 21, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 218, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, with committee amendments attached hereto, and be printed.

WEINERT, Chairman.

Austin, Texas,  
April 21, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 320, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass, but that the committee substitute bill

attached hereto do pass in lieu thereof, and be printed.

WEINERT, Chairman.

C. S. H. B. No. 320 was read first time.

Senator Rogers of Childress submitted the following report:

Austin, Texas,  
April 21, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred H. B. No. 120, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass but that committee substitute attached do pass and be printed.

ROGERS of Childress, Chairman

C. S. H. B. No. 120 was read first time.

Senator Martin submitted the following reports:

Austin, Texas,  
April 21, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred S. B. No. 170, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

MARTIN, Chairman

Austin, Texas,  
April 21, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred S. B. No. 317, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MARTIN, Chairman.

Senator Russell submitted the following report:

Austin, Texas,  
April 21, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Bank-

ing, to whom was referred H. B. No. 249, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

**RUSSELL, Chairman**

**Senate Bill 320 on First Reading**

Senator Shireman moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

**Yeas—31**

Aikin	Moffett
Ashley	Moore
Bell	Parkhouse
Bracewell	Phillips
Colson	Rogers
Corbin	of Childress
Fuller	Rogers of Travis
Hardeman	Russell
Hazlewood	Rutherford
Kazen	Sadler
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
McDonald	Willis

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Shireman:

S. B. No. 320, A bill to be entitled "An Act extending the provisions of Chapter 163, Acts of the 50th Legislature, 1947 (codified as Article 8263i in Vernon's Texas Civil Statutes), which confers certain rights and powers upon navigation districts created under Chapter 5, General Laws of the 39th Legislature, Regular Session, 1925, so as to include districts composed of parts of one or more counties, one of which counties is adjacent to any county which has one or more boundaries coincident with any part of the international boundary between the United States and the Republic of Mexico; providing a severability clause; and declaring an emergency."

To the Committee on Water Rights, Irrigation and Drainage.

**Senate Bill 321 on First Reading**

Senator McDonald moved that Sen-

ate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

**Yeas—31**

Aikin	Moffett
Ashley	Moore
Bell	Parkhouse
Bracewell	Phillips
Colson	Rogers
Corbin	of Childress
Fuller	Rogers of Travis
Hardeman	Russell
Hazlewood	Rutherford
Kazen	Sadler
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
McDonald	Willis

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator McDonald:

S. B. No. 321, A bill to be entitled "An Act amending subsections 7 and 114, Article 199, Title 8, Revised Civil Statutes of Texas, 1925, changing the time and term of holding the 7th Judicial District Court of Texas and the term of holding the 114th Judicial District Court in Wood and Smith Counties, constituting the 114th Judicial District of Texas; authorizing the holding of as many sessions of court in any term as may be deemed expedient; validating and continuing all processes issued or served before this Act takes effect, including recognizances and bonds, and making them returnable to the next term of court in said counties and district as herein fixed; providing for the continuing in session of any court in session at the time the Act takes effect; validating the summoning of grand and petit juries under this Act; and declaring an emergency."

To the Committee on Judicial Districts.

**Senate Bill 322 on First Reading**

Senator Rogers of Childress moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his intro-

ducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

## Yeas—25

Ashley	Moffett
Bell	Parkhouse
Bracewell	Phillips
Colson	Rogers
Corbin	of Childress
Fuller	Rogers of Travis
Kazen	Russell
Kelley	Rutherford
Lane	Sadler
Latimer	Secrest
Lock	Strauss
Martin	Wagonseller
McDonald	Willis

## • Nays—2

Hardeman	Weinert
----------	---------

## Absent

Aikin	Moore
Hazlewood	Shireman

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Rogers of Childress:

S. B. No. 322, A bill to be entitled "An Act amending all that part of Section 1 of Article III of Senate Bill No. 116, Acts 51st Legislature, Regular Session, 1949, Chapter 334, appearing prior to subdivisions (1) through (7) inclusive of Section 1 of Article III, supra, but amending no provisions of such subdivisions (1) through (7), to provide for the allocation of professional units in certain school districts containing two hundred and fifty (250) square miles or more and having fewer than one (1) pupil per square mile, and which operates and maintains a four-year accredited high school; providing the effective date of this Act; and declaring an emergency."

To the Committee on Educational Affairs.

## Senate Bill 323 on First Reading

Senator Lock moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

## Yeas—29

Aikin	Moffett
Ashley	Moore
Bell	Parkhouse
Bracewell	Phillips
Colson	Rogers
Corbin	of Childress
Fuller	Rogers of Travis
Hardeman	Russell
Kazen	Rutherford
Kelley	Sadler
Lane	Secrest
Latimer	Shireman
Lock	Strauss
Martin	Wagonseller
McDonald	Willis

## Nays—1

Weinert

## Absent

Hazlewood

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Lock:

S. B. No. 323, A bill to be entitled "An Act authorizing and empowering the State Parks Board to sell iron ore in place, for reasonable valuable considerations, located in or on the lands of Jim Hogg State Park and to grant certain rights; authorizing the Chairman of the State Parks Board to execute and deliver the necessary instruments conveying said iron ore in place; providing for the terms and conditions of sale; providing that the moneys received from said sales shall be deposited in the 'Jim Hogg State Park Building Fund'; providing for the expenditure of such funds; authorizing a majority of the State Parks Board to act; providing a saving clause; and declaring an emergency."

To the Committee on State Affairs.

## Senate Concurrent Resolution 41

Senator Colson offered the following resolution:

S. C. R. No. 41—Approving the holding of a Seventy-fifth Anniversary of the founding of Sam Houston Normal Institute.

Whereas, The Sam Houston State Teachers College is the oldest State teachers' training institution in Texas; and

Whereas, Dr. J. L. Clark of Hunts-

ville, Texas, who is an eminent authority on Texas history and a retired Director of the Department of Social Science of the College, has composed an appropriate expression of sentiment commemorating the founding of this College as a State institution, it is herewith quoted in its entirety and constitutes the body of this resolution.

"Whereas, On the twenty-first day of April, in the year of our Lord one thousand eight hundred and seventy-nine, the same being the forty-third anniversary of the glorious victory on the triumphant battlefield of San Jacinto, of the army of patriotic Texans, led by the illustrious General Sam Houston against the forces of despotism under the command of the self-styled 'Napoleon of the West,' Antonio Lopez de Santa Anna, the Governor of the State of Texas, His Excellency Oran Milo Roberts, in honor and affection known as 'The Old Alcalde,' did on said day sign into law an Act of the Sixteenth Legislature of the State of Texas, which created and established Sam Houston Normal Institute, and by so doing did bring into existence the first state-supported educational institution of Texas dedicated to the preparation of teachers trained to become instructors in the public schools of the State, confident that schools properly conducted would become the direct means of providing superior educational opportunities for the boys and girls of Texas and would hasten the eradication of the baleful effects of the late War Between the States and of the Period of Reconstruction—an era more devastating to the manhood and the womanhood of Texas and the South than war itself; and

Whereas, In the laudable endeavor to provide, through a corps of skillful and trained teachers, educational advantages for the youth of Texas, the members of the said Sixteenth Legislature, in their wisdom and foresight, were ably assisted and encouraged by said Governor Oran Milo Roberts, as well as by Dr. Barnas Sears, Dr. Robert C. Winthrop, Dr. J. L. M. Curry, and Dr. Rufus Burleson—all of whom were sometime Special Agents of the George Peabody Education Fund, which Fund was created by the Honorable George Peabody, cotton broker, capitalist and philanthropist, of the city of Boston, Massachusetts,

for the purpose of stimulating interest in public education and to assist in developing educational facilities in and for the South; and was aided in this worthy undertaking by Colonel George W. Grant, Honorable Sam R. Smith, Judge Benton Randolph, and other enlightened and farseeing citizens of the City of Huntsville, Texas; and

Whereas, Through the generosity of the citizenship of said City of Huntsville and Walker County, the property formerly occupied by Austin College, consisting of a two-story brick edifice and five acres of land, located on what was known as College Hill in the said City of Huntsville, was purchased and presented to the State of Texas for the benefit and use of said Sam Houston Normal Institute; provided that said Institute should be located thereon and should be named in honor of said General Sam Houston, who for many years was a resident of said City of Huntsville, as a monument 'more polished than brass and more enduring than marble,' and that said property be accepted as an earnest of the desire of the citizens of said City of Huntsville to aid in the advancement of the cause of public education throughout the State, the said property being nearby and in full view of the homestead of General and Mrs. Houston, which by them was the most dearly beloved, and which is now a historic shrine, preserved, perpetuated and maintained by said Institution; and

Whereas, Subsequent Legislatures, realizing the advantages of a school so diffusive in benefits to the State at large, have fostered said institution with the appropriation of funds from the public treasury for its maintenance and development, and having been thus sustained in its infancy, and through succeeding years as well, the efficiency and reputation of the school have continued to grow and expand in the guidance and inspiration of the youth of Texas and the Southwest, causing said Sam Houston Normal Institute to become the guide for the creating of similar institutions throughout Texas and beyond her borders, and as a model in the development and improvement of the public educational system of the State, as it has grown from the one-room schoolhouse to the common school district and, further, to the present elaborate independent school



district system of the State; and

Whereas, Since the opening of the Institute on the tenth day of October, 1879, it has enjoyed steady and continuous growth, having had at the beginning only one building and five acres of land, its plant was forced to be enlarged with its third year, and the tenth year saw the erection of the first building from appropriation from the public treasury, when the Twenty-first Legislature, guided by the patriotism and statesmanship of Honorable L. A. Abercrombie, appropriated \$40,000 for the erection of what is familiarly and fondly named as "Old Main," the most distinctive educational building of the State, as well as one of the most commodious and artistic.

Steadily through three-quarters of a century has the institution contributed to the progress and culture of the people of the State, and has continually grown and expanded until its property valuation has reached more than six millions of dollars, and the students who have passed under the tutelage of its competent and devoted instructors are numbered in the thousands. Among its leadership are numbered, as presidents in the order of service, Dr. Bernard Mallon, Dr. H. H. Smith, Dr. Joseph Baldwin, Dr. H. Carr Pritchett, Dr. H. F. Estill, Dr. Charles N. Shaver, and the present incumbent, Dr. Harmon L. Lowman; and as instructors of the first and succeeding faculties, Dr. O. H. Cooper, Mrs. Isabella Mallon, Mrs. A. A. Reynolds, Miss L. W. Elliott, Professor R. B. Halley, Professor J. L. Pritchett, Miss Lavenia Abercrombie, Misses Ida and Augusta Lawrence, Mrs. Rosa Buchanan, Miss Anna C. Loring, Miss Sue Smither, Professor S. C. Wilson, Professor R. M. Woods, Professor William Longino, and a host of other able and consecrated instructors, all of whom were constantly encouraged by succeeding State Boards of Education, the first composed of His Excellency, Governor Oran Milo Roberts, Honorable H. H. Darden, Honorable J. D. Templeman, and the Secretary of Education, the Honorable O. N. Hollingsworth; and also by the "Local Boards," composed of distinguished citizens of Huntsville, among whom were Honorable L. A. Abercrombie, Dr. T. W. Markham, Colonel George W. Grant, Mayor J. G. Ashford, Honorable Thomas H. Ball, Honorable A. T. McKinney, Judge W. L. Dean,

together with the vision and energy of members of the several Boards of Regents of the Texas State Teachers Colleges, as that body was created and assumed the guidance of the activities of the institution; now, therefore, be it

Resolved By the Senate of the Fifty-third Legislature of the State of Texas, the House of Representatives concurring, that said Legislature does hereby endorse and approve the holding of a celebration by the Sam Houston State Teachers College, which became the legal successor of the Sam Houston Normal Institute, on June 13, 1923, at the appropriate time and in the most fitting manner, both time and manner to be later determined, in recognition of the Seventy-fifth Anniversary of the founding of said Sam Houston Normal Institute; and that said Legislature does hereby commend the Board of Regents of said Institution and its Administration for initiating this most worthy recognition of the founding of said Institution, in honor of the service it has rendered the State of Texas through three-quarters of a century and in memory of all who have contributed to its achievements," and, be it further

Resolved, That an official copy of this Resolution be sent to Dr. J. L. Clark, Dr. Harmon Lowman, the Board of Regents of the State Teachers Colleges, Mr. L. A. Wakefield, President of the Ex-Students Association, the Huntsville Item and the Houstonian, and also a copy to Mr. Bennie P. Simmons, Head Librarian, to be deposited among the archives of the Sam Houston State Teachers College in Huntsville, Texas.

The resolution was read.

On motion of Senator Colson and by unanimous consent the resolution was considered immediately and was adopted.

#### Message From the House

Hall of the House of Representatives  
Austin, Texas  
April 21, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 67, Recalling House

Bill No. 500 from the Governor's office.

Respectfully submitted,  
CLARENCE JONES,  
Chief Clerk, House of Representatives

#### Senate Resolution 238

Senator Wagonseller offered the following resolution:

Whereas, We are honored today to have with us a visitor from Cunderin, Australia, Mr. Robin M. Halbert, who is in the United States in observation of our farms and ranches on the International Farm Youth Exchange Project; and

Whereas, He is visiting the Capitol and the Capital City of Texas as a guest of the Honorable Sam Wohlford, member of the Texas House of Representatives; and

Whereas, It is the desire of the Senate of the State of Texas to recognize this visitor and to bid him welcome; now, therefore, be it

Resolved, By the Senate of the State of Texas, that we do here and now recognize this visitor from Australia, bid him a hearty welcome, and extend to him the privileges of the floor for the day.

The resolution was read and was adopted.

Senator Wagonseller presented Mr. Halbert to the Members of the Senate.

#### Bills Signed

The President signed in the presence of the Senate after the captions had been read the following enrolled bills:

H. B. No. 157, A bill to be entitled "An Act amending Subdivision 38 of Article 1302, Chapter 1, Title 32, of the Revised Civil Statutes of Texas, 1925, as amended, so as to provide that private corporations may be created for or, if presently created, may be so amended as to include one or more of the following purposes: namely, to establish and maintain an oil business and to establish and maintain a drilling business for the production of oil, gas, or water, and declaring an emergency."

H. B. No. 75, A bill to be entitled "An Act amending Sections 1, 3 and 5 of Senate Bill No. 408, Chapter 306, Acts of the Fifty-second Legislature, so as to include San Patricio County in the 135th Judicial Dis-

trict and providing for the terms of Court in said county; excluding DeWitt County from the 135th Judicial District; limiting the exchange of civil cases between the 24th District Court and the 135th District Court as to Goliad, Jackson, Refugio, Calhoun and Victoria counties; providing for the exchange of civil cases between the 36th District Court and the 135th District Court as to San Patricio County; repealing all laws in conflict herewith to the extent of such conflict only, and declaring an emergency."

#### Senate Resolution 239

Senator Secrest offered the following resolution:

Whereas, We are honored today to have in the gallery 80 students of the 5th, 6th, 7th and 8th grades of Bruceville-Eddy School accompanied by A. H. Deviney and H. E. Moore; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine class of young American citizens are here to observe and learn firsthand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome this class and commend them for their interest, and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Secrest presented the students and their teachers to the Members of the Senate.

#### Message From the Governor

The President laid before the Senate and directed the Reading Clerk to read the following message received from the Governor today:

Austin, Texas,  
April 17, 1953.

To the Members of the Fifty-third Legislature:

I am vetoing and returning herewith House Bill No. 352. In an opinion from the Attorney General dated this day, I am advised that H. B. 352 contravenes Section 19, Article I, of the Constitution and:

"Since House Bill 352 provides a

penalty for the discharging of a rifle or pistol in certain described areas which is not based on any characteristics legitimately distinguishing it from any other area, thereby dealing differently with persons committing the same act in different areas of the State, it is our opinion that the law deprives a person of his liberty without due course of the 'law of the land' and is unconstitutional."

Respectfully submitted,  
ALLAN SHIVERS,  
Governor of Texas.

#### House Concurrent Resolution 67

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 67, Recalling House Bill No. 500 from Governor's office.

The resolution was read second time.

On motion of Senator Martin, and by unanimous consent, the resolution was considered immediately and was adopted.

#### Presentation of Guests

Senator Bracewell, by unanimous consent of the Senate, presented as guests of the Senate today the Seventh, Eighth and Ninth Social Studies Class of the E. O. Smith Junior High School of Houston together with I. B. Scott and Mrs. C. W. Westbrook to the Members of the Senate.

#### Senate Resolution 237

Senator Kelley offered the following resolution:

Whereas, One hundred and seventeen years ago this afternoon at approximately three o'clock, occurred one of the most important battles of history. Seven hundred and eighty-three Texans, under General Sam Houston, defeated between 1,500 and 2,000 Mexicans under Santa Anna, the self-styled Napoleon of the West.

Whereas, There should never be a 21st day of April of any year that every Texan doesn't thank God that he is a Texan; that he doesn't look back with pride on the day one hundred and seventeen years ago that Sam Houston achieved, with his little army, the independence of Texas. We should always keep in mind the importance of that victory. The whole United States of America, the Western

Hemisphere, and every citizen of any of the republics of this hemisphere should be proud of the Texas Army and what they did at San Jacinto. The people of the United States, especially, should celebrate the 21st day of April, because it meant so much, not only to the grand old State of Texas, now a part of the American Union, but to the entire country.

Whereas, We ought to sit up and think about the consequences of that battle that day one hundred and seventeen years ago. That was the deciding factor that added to the American Union not only the magnificence of the State of Texas, with its wonderful natural resources, but all the States of New Mexico, Arizona, California, Nevada, Oklahoma, Kansas, and some of Wyoming—almost one-fourth of the present United States—the greatest cattle section of the world, an area that now produces nearly one-half of the oil of the entire United States. That was all added because of the Texas army of a little more than seven hundred men one hundred and seventeen years ago who wrested this country from the tyranny of Mexico.

And that is not all of Texas' contributions; it is not all the results of that famous battle. It has given to the United States of America some of its leading statesmen like Sam Houston, Richard Coke, John H. Reagan, and Jim Hogg.

And today every Texan ought to be thankful of the fact that he is a Texan, the fact that he is the most fortunate man in the place of birth or place of adoption in the whole world, because of the grandeur and greatness of Texas, in which we take the greatest pride.

Whereas, We pause today briefly to pay respectful tribute to the memory of those intrepid Texans from whom we have inherited the traditions of liberty.

Texas and Coahuila was the name of the territory north of the Nueces river, now known as Texas. From the time of Mexico's independence from Spain it was a part of Mexico. About the year 1821, Moses Austin, an American, was granted a large tract of land in Texas under the condition that he should colonize it with not less than five hundred families. This he and his son, Stephen F. Austin, who carried on his work, attempted to do, but the policy of Mexico towards the colonists was one of oppression to

which the Americans would not submit.

The tide that the Austins set flowing ran for nearly a decade before the Mexican government took steps to halt it, and in those years some 30,000 people, colonists and their slaves, came in to give the Texas land a wholly new population, for they quite outnumbered the 3,000 Mexicans who were the only possessors after a whole century of Spanish settlement.

Eventually, the Mexican government repented of its liberality, brought the current of immigration to a stop, sought in various ways to curtail the autonomy of the Texans and to impose its way of life upon them. An army was sent among them to forestall opposition. The first crisis was weathered, but within a few years Mexico passed under the dictatorship of Santa Anna, and no rights seemed to be beyond the reach of an arbitrary military regime. Just as the American colonists of 1774 had appealed to the British Constitution and to their rights as Englishmen, so the Texas colonists of 1834 appealed to the liberalism of the Mexican Revolution and to the suppressed Mexican constitution. But the hand of power was not stayed, and in September of the following year, just as General Gage had sent out to seize the stores of Concord in 1775, so Colonel Ugartechea sent out to seize the brass cannon at Gonzales. The first skirmishes took place and like the Continental Congress, the Texas Consultation issued its declaration of causes for taking up arms. The delegates of the Texas Convention at Washington-on-the-Brazos put their signatures to a document which began:

"When a government has ceased to protect the lives, liberty and property of its people, from whom its legitimate powers are derived—"

It was a declaration of independence, and Texas had its fourth flag—its own flag.

Santa Anna had destroyed constitutional government. He had usurped the powers of the legislative and the judicial branches of the government. He had destroyed freedom of speech, freedom of press, right of trial by jury—privileges which were declared by those 58 delegates to be "The palladium of civil liberty and the only safe guarantee for the life, liberty and prosperity of the citizen." (Not a declaration against Mexico or Mexicans but a declaration against a

cruel ruler who had seized the government of Mexico and had suspended all constitutional provisions.)

The suppression of these rights by a dictator constituted a challenge to the liberty-loving instincts of our forefathers. They accepted that challenge and one hundred and seventeen years ago laid down the political doctrine that the people of Texas would never be ground under the heel of a tyrant, no matter what the cost.

The convention of 58 delegates, three of whom were Mexicans, gave to posterity one of the world's great documents of liberty. We know it as the Texas Declaration of Independence. It was the instrument which wrested a colony of depressed people from the tyrannical rule of a dictator and transformed them into stalwart citizens of a free republic.

After the declaration, there followed 60 of the most colorful days in the pages of history. The Alamo became the symbol for heroic sacrifice on the altar of freedom. San Jacinto became enshrined in the hearts of all Texans as the noblest example of bravery on the battlefield. It proved to be the greatest triumph on American soil in the cause of freedom. These momentous events occurred within two months following the declaration on March 2, 1836. They deserve this commemoration as evidence of our reverence and respect.

It is a thought worthy also of remembrance that the debacle of the Alamo and the massacre at Goliad were both the result of a dictatorship. Human lives and human rights are no longer safe when a ruler usurps the powers of constitutional government.

The Alamo fell, a prey to the ruthlessness of the tyrannical Santa Anna. On March 6, 1836, it was surrounded and captured by an overwhelming army of Mexicans; the few American or Texas survivors who were taken prisoner were massacred under circumstances of atrocity. Among these were David Crockett, Colonel Travis, James Bowie and many others who had distinguished themselves.

The appeal of Colonel William Barrett Travis should be read on every occasion commemorating the Texas revolution. It is an evidence of the heroism and the price paid for the liberty we enjoy. Permit me to quote that appeal:

"Fellow citizens and compatriots, I am besieged by a thousand or more of the Mexicans under Santa Anna. I have sustained a continual bombardment and cannonade for 24 hours and have not lost a man. The enemy has demanded a surrender at discretion, otherwise the garrison are to be put to the sword if the fort is taken. I have answered the demand with a cannon shot, and our flag still waves proudly from the walls. I shall never surrender nor retreat. Then, I call on you, in the name of liberty, or patriotism, and everything dear to the American character, to come to our aid with all dispatch. The enemy is receiving reinforcements daily, and will, no doubt, increase to three or four thousand in four or five days. If this call is neglected I am determined to sustain myself as long as possible and die like a soldier who never forgets what is due to his own honor and that of his country. Victory or death!"

Travis did not surrender or retreat, but died like a soldier, as did his entire command. Yes; "Thermopylae had its messenger of defeat; the Alamo had none."

It remained for Sam Houston to avenge the Alamo. It is impossible to visit the battlefield of San Jacinto without marveling at Houston's courage. He deliberately chose a battlefield from which there would be no escape if things went badly, and he lured his enemy into that field. Circled by the San Jacinto River, a marsh, and Vince's Bayou, and with Buffalo Bayou at his back, he directed the destruction of the bridge over Vince's Bayou. He had determined to end the war on this field, from which there was no escape. All went well. He won the battle and freed an empire. It was one of the decisive battles of history, although lasting only 20 minutes. Outnumbered more than two to one, this victory for the Texas forces won the war.

Ten years later with no loss of liberty to the individual Texan, and no loss of self-government, and no breach of continuity, independent Texas became one of the United States.

Who were these Texans who had won their independence as a sovereign republic, sustained it for 10 years, and now voluntarily surrendered it? The answer is simple: they were Americans, who had come to Texas from all parts of the American Unions, and who were simply resum-

ing the old political relationship with their former fellow citizens.

Texas has won the admiration of the world for its progress during the past one hundred and seventeen years. The exemplary conduct of Texas' sons in the war just concluded serves to justify the hopes and aspirations of our patriotic forefathers who declared that Texas would be free and independent.

We may draw a comparison between the Texas struggle in 1836 and the war which we have recently been engaged in. In both, we suffered early ghastly losses—Goliad and the Alamo, Pearl Harbor and Bataan. We find the military commanders in both instances biding their time, in the face of bitter criticism. Then the final, ultimate crushing blow, which avenged the early defeats and achieved complete victory.

Texans made a glorious record in 1836 and they distinguished themselves just as gloriously in this last great war; for the cause was the same as it was one hundred and ten years ago. Then, Texans won a victory for Texas. Recently, Texans have given of their blood and courage to win a victory for the United States of America and for all peace-loving people everywhere.

The memory of this occasion is evidence that Texans have not ceased to venerate the memory of its heroes of 1836. This important history has a very general American significance, and this therefore is an anniversary in which all Americans may take pride. We of Texas feel that we have a double heritage of independence. Two countries are ours, two flags are ours, two glorious histories are ours. We may add to the glamor of Lexington and Concord the glory of the Alamo and San Jacinto. We know that the fires of patriotism burned in the breasts of Washington, Greene, Wayne and other famous chieftains of their day, but we know also that the cause of freedom had worthy advocates in Austin, in Houston, in Bowie, in Travis, in Crockett, and the scores of others who have made resplendent the pages of Texas history.

Today we celebrate Texas history; it is also American history. This anniversary is a day for our remembrance and for our proper observance. Let us pledge anew that, as worthy successors of Texas' gallant heroes, we shall prove true to the wondrous

heritage of freedom which Texans in recent years as in the past, have struggled mightily to preserve.

Let us today celebrate the greatness and glory of both Texas and the nation, and indulge in the hope that the Lone Star State may continue to be a conspicuous part of this great Republic.

Whereas, On the 27th of March, General Houston, with the main body of the Texan army, reached the Brazos at San Felipe, from whence, for the sake of a secure position, he proceeded some distance above, to Grosse's Retreat, leaving a force of about two hundred men under Captain Baker to guard San Felipe, and sending another small detachment farther down, to Old Fort, to guard the crossing there. At Grosse's, General Houston availed himself of a steamboat, with which to move his troops suddenly to any point they should be needed.

On the 29th, there was a false alarm of the approach of the enemy on San Felipe, whereupon the inhabitants hastily moved their goods across the Brazos, and set fire to the town.

Whereas, Early on the morning of the 10th of April, the advance of the enemy's cavalry appeared at San Felipe, and soon after the main body. General Houston kept a most vigilant eye on their movements. They were prevented from crossing the river at San Felipe by the high water, as well as by the force opposed by Captain Baker.

On the 11th, it was ascertained that a division of the enemy had begun to cross the river at Old Fort, and that another division had reached Brazoria by way of the coast; whereupon General Houston made preparations to cross his troops over the river, which was effected on the 12th.

Whereas, From the Brazos, General Houston took the line of march eastward, to "Donahue's," at which place roads, running in the direction of Nacogdoches and Buffalo Bayou, intersect. Having previously, from the Brazos, sent dispatches East, to the Red Lands—threatening to carry the war to their doors if they did not turn out—and also orders to volunteers from the United States, then advancing to join him, to halt and fortify on the Trinity, General Houston, on leaving Donahue's, was about to take the road in the direction of Nacog-

doches, but circumstances fortunately directed his march towards Harrisburgh.

Whereas, The division of the enemy, which had now crossed the Brazos, was commanded by Santa Anna in person, who, not knowing the force and position of General Houston, seems to have thought that the war was over, and that Texas was won; he, therefore, hastily proceeded to take possession of the small towns of Harrisburgh and New Washington, which places he caused to be burned on the 17th and 20th. But he was mistaken—and never was man more awfully mistaken; the Texans were close upon him; on the 18th they arrived opposite Harrisburgh. During the day, very opportunely for the Texans, and unfortunately for the enemy, a Mexican courier was taken by that most able Texan spy and brave soldier, Deaf Smith. By this courier General Houston got possession of dispatches and documents showing the situation, numbers, plans, and movements of the enemy. On the morning of the 19th, the Texan army crossed and proceeded down the right bank of Buffalo Bayou, to within about a half mile of its junction with the San Jacinto. Here, on the morning of the 20th, they took up a position in the edge of timber skirting the Bayou, having the timber in the rear, and in front an extensive prairie, interspersed with a few islands of timber.

Fortunately for the Texans, they had now received two pieces of artillery, and, more fortunate still, were about to meet with but one division of Santa Anna's army, and that commanded by himself in person; having thus the chance of striking a decisive blow, with comparatively little risk.

Whereas, They had occupied their position but a short time, when Santa Anna came marching up in front, with his army in battle array. He was repulsed by a discharge from the Texan artillery, whereupon he fell back, and with his infantry occupied an island of timber about a quarter of a mile distant from the left of the Texan encampment; a little more remote, to the right of the same, he planted his artillery; and at an intermediate point, his cavalry.

During the day there were several skirmishes between the two armies. One of the most important, as subsequently related by General Houston, was between the Texan artillery

and the Invincibles of Santa Anna. Just as the former had reached the summit of a swell in the prairie, the latter, in their imposing uniform of high white caps and white pantaloons, appeared dashing down an opposite swell. The Texans opened a fire of their artillery, when the Invincibles, taken by surprise, broke and retreated. In the result of this affair, the Texans not only had a decided advantage over the enemy, but gained confidence. The "Invincibles" had yielded.

Whereas, Another action of some importance was towards the close of the day, between about eighty men under Colonel Sherman and the enemy's cavalry. This was at the distance of about three quarters of a mile from the Texan camp, near the San Jacinto, where the enemy had then taken a position in the edge of the timber skirting the river, from whence, in front of their camp, they had thrown up a considerable breastwork. Sherman went out to reconnoitre and to get possession of the enemy's artillery, supposed to be at an intermediate point between the two encampments; with the understanding that he was to be sustained by a body of infantry under Colonel Willard, which was at the same time drawn out. Not finding the piece of artillery, which had been removed, Sherman proceeded to reconnoitre. Seeing the enemy's cavalry drawn up in front of their entrenchment, ready for an engagement, he charged upon them, drove them back behind their infantry, sustained the fire of the latter for some minutes, and then, in danger of being surrounded and cut off by superior numbers, after having performed some feats of daring chivalry, retreated, with the loss of advantage, though not of credit.

During the morning, the ever memorable morning, of the 21st, the enemy, reinforced by five hundred choice troops under General Cos, were seen actively engaged in fortifying their position. It was time that the great conflict for the soil of Texas should be decided; the Texans were impatient; delay would only increase the already great disparity of the forces opposed. General Houston held a council of his officers. It was determined to attack the enemy at their breastwork. General Houston relied upon the impetuosity of the Texans in a charge; he was not deceived. He gave orders for the bridge over Sim's Bayou, on the only accessible road to the settlements on the Brazos, to be

destroyed, to prevent all escape; and at half past 3 o'clock p.m. the army began to move in three divisions. The General himself led the van. They moved on with the stillness of death; not a drum, nor fife, nor voice was heard. Everyone was rousing his soul for the conflict. When within two hundred yards of the enemy, they were formed in line of battle, and received with a shower of musket balls and grapeshot. They then marched to the attack with trailed rifles—silent, but swift and determined. When within seventy yards the word was given, "fire!"—and an instantaneous blaze poured upon the enemy the missiles of destruction, literally mowing them down into the arms of death. Then the word "charge!" was given, accompanied by the soul-stirring tune of "Yankee Doodle." The effect was electrical; language cannot describe its exhilarating power; new ardor seized the souls of the Texans; their native country, her victories and her power, came to their minds; they felt that they were invincible. "Yankee Doodle" was heard above the roar of arms; and, with the shout of "the Alamo," they rushed upon their foe—and victory rewarded their valor, and vengeance atoned for their wrongs. Seven hundred Mexicans lay a sacrifice to the shades of departed heroes slaughtered at the Alamo and Goliad.

Thus ended the glorious battle of San Jacinto, and the Mexican dominion in Texas.

Whereas, Few battles of the world have been more decisive and tremendous in their influence over civilization than the Battle of San Jacinto. It changed the map of the North American continent and opened the way for the United States to extend its boundary to the Rio Grande on the southwest and the Pacific Ocean on the west. It sealed the destiny of the Texas Republic; confirmed its Declaration of Independence; drove from the country east of the Rio Grande an invading host, and established liberty where tyranny sought to enthrone itself. The slaughter of the defenders of the Alamo; the murder of Fannin's command at Goliad; the butchery of Ward's and King's troops were the compelling events which drove Houston's brave men to fight like demons when the imperious Mexican faced them on the field of battle.

On his retreat from the Colorado and Brazos Houston reached a point opposite Harrisburg on the Buffalo Bayou April 18th. From here he sent

his scouts, Henry W. Karnes and Deaf Smith, across the bayou in search of information of the Mexican army. They soon returned to Houston's camp with two Mexican couriers carrying dispatches from General Filisola to Santa Anna. This was the first information Houston had received that Santa Anna was personally in command of those troops. Orders were at once given to cross the bayou, the companies were formed into line, and Houston rode up and addressed them. He told them that they must prepare for battle. That the enemy was near, and whenever and wherever he was found he proposed to give battle. He gave them as the battle cry, "Remember the Alamo! Remember Goliad!" Instantly the words were shouted out by every man present. General Houston referred to the cruelties of Santa Anna's army; the slaughter of Travis; of Crockett; of Bowie; of Fannin; of Ward; of King, and their companies; and told them that the opportunity for revenge was near; that a battle was inevitable and victory was sure. General Rusk followed Houston with a strong appeal to the army to act well their part in the battle soon to take place. "They are better equipped than we and their numbers are greater, but God and right are with us and will give us the victory," he said.

Whereas, These addresses greatly inspired every man of the little army, and they awaited only the orders to march. The order was soon given, and the little band fell into line without the beat of a drum or the floating of banners, resolved to conquer or die. And as they marched toward Santa Anna's troops few words were spoken. Their minds and hearts were fixed on home, their families, their country. Reaching a point a few miles from where the supreme struggle was to be made, the army halted. The weary men took shelter under the cover of a grove and slept a short time. General Houston rose at daybreak. Pickets were advanced from every direction and scouts were sent out. The scouts soon returned with the information that Santa Anna with his army was not far distant. As soon as the scouts returned with the information that Santa Anna's army had been located, fires were built preparatory to the cooking of the beeves previously dressed.

Whereas, April 21st has been set aside as a state-wide holiday and is generally observed.

Whereas, The Senate has shown a callousness and a complete disregard for the importance of this outstanding event in the history of our State and Nation, by failing to properly observe this memorable day; therefore, be it

Resolved, By the Senate of Texas, that the Senate pay proper tribute and respect to the memory of those great heroes who were responsible for our Liberty and Freedom, and that immediately upon the passage of this resolution the Senate stand adjourned until 10:30 a. m. Wednesday morning in honor of the immortal heroes of San Jacinto.

The resolution was read.

Question—Shall S. R. No. 237 be adopted?

#### Recess

On motion of Senator Hardeman the Senate at 12:14 o'clock p. m. took recess until 2:30 o'clock p. m. today.

#### After Recess

Senator Martin called the Senate to order at 2:30 o'clock p. m. today.

#### Senate Resolution 240

Senator Lock, by unanimous consent of the Senate, offered the following resolution:

Whereas, We are honored today to have in the gallery Mrs. Lucy Swann McDonald of Tyler, Texas, mother of the distinguished Senator Warren McDonald of the 7th Senatorial District of the State of Texas; and

Whereas, Our pleasure at having Mrs. McDonald as our guest is doubly enhanced by the fact that she is the daughter of another great Texan, Major J. J. Swann, a former member of this body; and

Whereas, Mrs. McDonald is here to visit her son and observe the workings of the State Government; now, therefore, be it

Resolved, That we officially recognize and welcome this distinguished Texan, and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to her in recognition of her visit.

The resolution was read and was adopted.

The presiding officer (Senator Mar-



tin in the Chair), presented Mrs. McDonald to the Members of the Senate.

#### Message From the House

Hall of the House of Representatives  
Austin, Texas,  
April 21, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 495, A bill to be entitled "An Act creating Small Claims Courts in the several counties within the State of Texas; prescribing their jurisdiction and venue; providing that Justices of the Peace shall be the Judge of such courts; prescribing certain procedure therein; prescribing that the attorneys' fees shall be reasonable, and providing a penalty; providing a method of appeal to the County Court or County Court at Law and providing certain procedures; providing that the Commissioner's Court shall furnish certain supplies, extending the rule-making power of the Texas Supreme Court, in certain circumstances; repealing all laws in conflict; providing that the provisions are severable; and declaring an emergency."

The House refused to concur in Senate amendments to House Bill No. 79 and has requested the appointment of a Conference Committee to consider the differences between the two Houses.

The following Conference Committee has been appointed on the part of the House: Hale, Smith of Tarrant, Joseph, Lee and Sanders.

Respectfully submitted,

CLARENCE JONES,  
Chief Clerk House of Representatives.

#### Resolution Signed

The presiding officer announded the signing of, by the President, in the presence of the Senate, after the caption had been read the following enrolled resolution:

H. C. R. No. 67—Recalling House Bill No. 500 from the Governor's office.

#### Senate Resolution 241

Senator Aikin offered the following resolution:

Whereas, Mrs. L. H. Odom of San Antonio, is a visitor at the Capitol today, and

Whereas, Mrs. Odom is an outstanding citizen of this State, having been born and reared at Detroit, Red River County, Texas, and

Whereas, The Senate is desirous of welcoming Mrs. Odom as our guest today, now therefore, be it

Resolved, That Mrs. Odom be extended the privilege of the floor for today.

The resolution was read and was adopted.

#### Senate Resolution 242

Senator Moffett offered the following resolution:

Whereas, We are honored today to have in the gallery the senior class of the Benjamin High School, Benjamin, Texas, accompanied by their teacher, Mr. S. E. Riel; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine class of young American citizens are here to observe and learn firsthand the workings of their State Government; now therefore, be it

Resolved, That we officially recognize and welcome this class and commend them for their interest, and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

#### Message From the House

Hall of the House of Representatives,  
Austin, Texas,  
April 21, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 130, A bill to be entitled "An Act creating 'Northeast Texas Municipal Water District,' a conservation district under Article XVI, Section 59, of the Constitution, comprising the territory contained within the cities of Mt. Pleasant, Jefferson, Avinger, Hughes Springs, Lone Star, Marshall, Ore City, Gilmer, Pittsburg, and

Daingerfield, for the purpose of providing a source of water supply for municipal, domestic and industrial use and processing and transporting the same; etc.; and declaring an emergency."

(With amendments.)

S. B. No. 144, A bill to be entitled "An Act amending Acts 1945, 49th Legislature, page 559, Chapter 340, Section 24, providing for certain exceptions to the same; and declaring an emergency."

S. B. No. 189, A bill to be entitled "An Act amending Article 5476 of the Revised Civil Statutes of Texas, 1925, and adding two new Articles, so as to provide six (6) months instead of four (4) as the filing time limit for original contractors, prescribe information to be contained in affidavit for lien, and provide for conclusive presumption of furnishing under a single contract under certain circumstances; and declaring an emergency."

S. B. No. 205, A bill to be entitled "An Act authorizing the State Youth Development Council of the State of Texas to convey a tract of land situated in Houston County, Texas, containing one and twenty-seven hundredths (1.27) acres of land, more or less; prescribing the manner and terms of conveyance; providing that the Executive Secretary of the State Development Council may execute the deed of conveyance; and declaring an emergency."

S. B. No. 226, A bill to be entitled "An Act amending Article 4629, R. C. S. T., 1925, as amended by Chapter 214, Acts of the 47th Legislature, 1941, relating to grounds for divorce, by changing the period of living apart without cohabitation as a ground for divorce from ten (10) years to seven (7) years; and declaring an emergency."

S. B. No. 319, A bill to be entitled "An Act granting to cities the power and authority to lease, sell, option and convey all or any portion of any island, flats or other submerged lands heretofore relinquished to such cities by the State of Texas or the Republic of Texas, and to enter upon development plans and contracts for any or all of these purposes; etc., and declaring an emergency."

S. B. No. 114, A bill to be entitled "An Act validating under certain con-

ditions proceedings relating to the adoption of home rule charters, validating the charters so adopted, and providing that such charter so adopted shall constitute the home rule charter of the city; etc., and declaring an emergency."

S. B. No. 55, A bill to be entitled "An Act to amend Article 4584 of the Revised Civil Statutes of Texas, 1925, as amended, so as to provide that the affidavit shall be filed with the County Clerk instead of the County Judge; providing for a repealing clause; and declaring an emergency."

S. C. R. No. 9, Granting permission to H. C. Womack, his heirs, executors, administrators and legal representatives to sue the State, etc.

(With amendment.)

S. C. R. No. 11, Authorizing the "Wallace Heirs" and Bertha Ila Williams to sue the State.

S. C. R. No. 30, Granting Elwyn P. Braunig et al. permission to sue the State.

S. B. No. 290, A bill to be entitled "An Act amending Section 1 of Acts, 1943, 48th Legislature, Regular Session, Chapter 102, House Bill No. 667, by adding Galveston and Chambers Counties to the provision prescribing a closed season for taking oysters for market; repealing all laws in conflict; and declaring an emergency."

H. C. R. No. 69, Suspending the Joint Rules in order that the House may take up and consider H. B. No. 622.

Respectfully submitted,

CLARENCE JONES,  
Chief Clerk, House of Representatives.

#### Senate Resolution 237

The Senate resumed consideration of the pending business, same being the consideration of S. R. No. 237.

Question—Shall S. R. No. 237 be adopted?

Pending discussion by Senator Kelley of the resolution, Senator Lock occupied the Chair temporarily.

(Senator Martin in the Chair.)

Pending discussion of the resolution by Senator Kelley, Senator Shireman raised the point of order that under Rule 44 wherein it provides that Sen-

ate resolutions when introduced, may, by a majority vote, be considered immediately and that, since such vote had not as yet been made, no further debate of Senate Resolution No. 237 is in order.

Pending discussion of the point of order, Senator Shireman demanded that the point of order be immediately decided, which was duly seconded.

The presiding officer ( Senator Martin in the Chair), submitted the question: "Shall the point of order be now decided?"

The question prevailed by the following vote:

## Yeas—18

Ashley	Phillips
Bell	Rogers
Bracewell	of Childress
Colson	Russell
Fuller	Sadler
Latimer	Shireman
Lock	Strauss
Martin	Wagonseller
Moore	Willis
Parkhouse	

## Nays—10

Aikin	Lane
Corbin	McDonald
Hardeman	Moffett
Kazen	Rutherford
Kelley	Secrest

## Absent

Hazlewood	Weinert
Rogers of Travis	

The presiding officer (Senator Martin in the Chair), ruled that the point of order, even if it would have been good at the time the resolution was introduced, the privilege of raising the point of order had now been waived and the point of order was overruled.

Senator Bell offered the following amendment to the resolution:

Amend the Resolving Clause of S. R. No. 237 by striking out the words "adjourned until 10:30 a. m., Wednesday morning" and inserting in lieu thereof "recessed until 10 p. m. today."

The amendment was adopted.

(President in the Chair.)

Senator Moffett continued discussion of the resolution, as amended.

(Senator Bracewell in the Chair.)

(April 22, 1953)

Pending further discussion by Senator Moffett of the resolution, as amended, Senator Hardeman moved that the Senate stand adjourned until 2:30 o'clock p. m. today.

Yeas and nays were demanded.

The motion was lost by the following vote:

## Yeas—10

Corbin	McDonald
Hardeman	Moffett
Kazen	Rutherford
Kelley	Secrest
Lane	Wagonseller

## Nays—16

Aikin	Parkhouse
Ashley	Phillips
Bell	Rogers
Bracewell	of Childress
Colson	Sadler
Fuller	Shireman
Latimer	Strauss
Lock	Willis
Martin	

## Absent

Hazlewood	Russell
Moore	Weinert
Rogers of Travis	

Question—Shall S. R. No. 237 be adopted?

## Message From the Governor

The presiding officer laid before the Senate and directed the Reading Clerk to read the following Message from the Governor:

Austin, Texas,  
April 21, 1953.

To the Members of the Fifty-third Legislature:

Complying with House Concurrent Resolution No. 67, I am returning herewith House Bill No. 500 for correction.

Respectfully submitted,  
ALLAN SHIVERS,  
Governor of Texas.

House Concurrent Resolution 69 on  
Second Reading

Senator Bell asked unanimous con-